

Appln No. 10/810,046
Reply to Office Action of February 8, 2005

REMARKS/ARGUMENTS

The Office Action dated February 8, 2005, has been reviewed and the comments carefully considered.

In the Office Action, various issues and questions are raised concerning the description of the variety. By the amendments in the accompanying Substitute Specification, Applicant has made a bona fide effort to address all issues and questions.

With regard to the claim rejection under 35 USC §102(b), Applicant notes that this rejection is based on the Colour Wave Collection 2003-2004 (IDS Reference No. 6 filed 9/3/04, showing a publication date of 2002). The publication date listed on the IDS, and in the accompanying explanatory document, is incorrect. The correct date is May 2003. Enclosed please find an amended copy of the IDS and Explanation for IDS documents, previously submitted by Applicant. Accordingly, Applicant respectfully submits that there is no basis for a 102(b) rejection for the present variety.

In view of the foregoing amendment and response, it is believed that the application is in condition for allowance and, accordingly, reconsideration and allowance is earnestly solicited.

If any questions remain regarding the allowability of the application, Applicant would appreciate if the Examiner would advise the undersigned by telephone.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account.

Respectfully submitted,
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